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*in opinion*

December 7, 1955

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CONCORD, N.H.

James J. Barry, Commissioner  
Department of Public Welfare  
State House Annex  
Concord, New Hampshire

Dear Mr. Barry:

You have inquired by your letter of November 29, 1955, for my opinion respecting the duty of a stepfather to support his stepchild in relation to the Department's rejection of an application for aid to dependent children for the reason that the child is not deprived of support.

RSA 167:2 sets forth the class of persons, including stepfather, from whom recovery may be made under certain circumstances for assistance rendered under RSA 161. It would be meaningless to interpret this section as one which merely authorizes recovery while not also interpreting it to disqualify a recipient who has a relation within the enumerated class of sufficient ability to provide the required assistance. It would be unrealistic to attach a meaning to the section which would not prohibit assistance furnished where there is a relative of sufficient ability to furnish such assistance but then allow recovery of assistance so furnished from the relative.

RSA 165:19 specifically puts the duty of the stepfather of a poor person to "assist or maintain such person when in need of relief." This duty must nevertheless be read in connection with RSA 167:2 which limits the duty of a stepfather in relation to assistance furnished by your Department to where such person has actually assumed the relation of a parent to his minor stepchild.

Very truly yours,

Richard C. Duncan  
Assistant Attorney General

RCD/aml